

Notice of Allowability

Application No.

09/838,070

Examiner

Jonas N. Strickland

Applicant(s)

DINDI ET AL.

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the remarks and after-final amendment filed on 11/21/2003.
2. ☒ The allowed claim(s) is/are claims 3-14, 17-27, 30-34, and 37-43.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**


7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No. 7.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |


STANLEY S. SILVERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Allowable Subject Matter

1. Claims 3-14, 17-27, 30-34, and 37-43 are allowed.
2. The following is an examiner's statement of reasons for allowance: The instant application is allowable over the cited art, because the instant application claims a process for the catalytic partial oxidation of a hydrocarbon feedstock, which comprises contacting a feedstream comprising a hydrocarbon feedstock and an oxygen-containing gas feed stream with a monolithic porous metal foam catalyst, wherein the monolithic porous metal foam comprises rhodium and wherein the monolithic porous metal foam comprises rhodium and has 75-90% by volume pores and 20-100 pores per inch pore size.

The Examiner applied Mercera et al. in order to disclose a catalyst comprising a catalytically active metal, which includes, rhodium, wherein the catalyst is used in a process for the preparation of carbon monoxide and/or hydrogen from the partial oxidation of a hydrocarbonaceous feedstock using the catalyst. The catalyst is comprised of a monolithic structure, such as ceramic foam (p. 12, lines 15-21). Mercera et al. also discloses wherein the catalyst may be supported on a carrier or may be unsupported (p. 4, lines 28-32). However, Mercera et al. does not disclose wherein the porous metal foam comprises rhodium and has 75-90% by volume pores and 20-100 pores per inch pore size.

Hershkowitz et al. teaches a catalytic partial oxidation process for the production of synthesis gas. Hershkowitz et al. continues to teach wherein the catalyst may be comprised of rhodium and platinum and that one or more metals can be combined with

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other metals as a metal monolith (col. 9, lines 59-66). Hershkowitz et al. continues to disclose wherein the feedstream is preheated to a temperature of 100°-700°C (col. 12, lines 10-12). Hershkowitz et al. continues to teach wherein the catalytic partial oxidation zone may be comprised of a ceramic or metallic foam monolith (col. 4, lines 64-67).

Jacobs et al. teaches a process for the catalytic partial oxidation of hydrocarbons. The catalyst composition may comprise rhodium and be in the form of a monolithic foam structure (col. 5, lines 39-64). Jacobs et al. also teaches wherein it is known in the art to have metal coated monolith structures having a porosity of 30 to 50 pores per inch (col. 2, lines 10-20).

While Jacobs et al. and Hershkowitz et al. both teach a process for the catalytic partial oxidation for the production of synthesis gas using a ceramic foam monolith having rhodium metal, these references do not teach wherein the porous metal foam comprises rhodium having a 75-90% pore volume.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

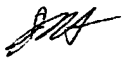
Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonas N. Strickland whose telephone number is 703-306-5692. The examiner can normally be reached on M-TH, 7:30-5:00, off 1st Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 703-308-3837. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-0661.



Jonas N. Strickland
December 16, 2003